

REMARKS

The Examiner has made a restriction requirement under 35 U.S.C. § 121 between the inventions of:

Group I Claims 1-16 drawn to a method for identifying women at risk for OBGYN complications, classified in class 435, subclass 4.

Group II Claims 17-27 drawn to a kit for determining women at risk for OBGYN complications, classified in class 435, subclass 975.

In response, Applicants provisionally elect with traverse Group I, claims 1-16, but expressly reserve the right to pursue the non-elected embodiments at a later time or in one or more divisional applications and/or continuation applications.

The Examiner's alleged basis for the restriction between the inventions is that the claims in Groups I-II are patentably distinct because the methods could be performed without the kit, for example, by hand and require separate searches, which would cause an undue burden on the U.S. Patent Office to search more than one class. Applicants respectfully disagree, and submit that the Examiner has not met the burden of establishing: i) two or more independent and distinct inventions claimed in one application under 35 U.S.C. § 121, and ii) the search would be an undue burden on the U.S. Patent Office.

The Examiner presents only general assertions that the methods can be performed by hand without the kit. Applicants submit that the claims are linked by the common conceptual scheme that includes determining the risk of developing obstetric or gynecologic pathologies. Thus, the distinction between the claims in Groups I-II is unclear and the Examiner has not established that the inventions in Groups I-II are independent and distinct and would require separate searches.

Moreover, the Examiner would almost certainly cite the same reference in one group against the other group. Applicants submit that separate searches for each of the alleged groups would be substantially duplicative, and the Examiner has not demonstrated that a search directed

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Response to Restriction Requirement
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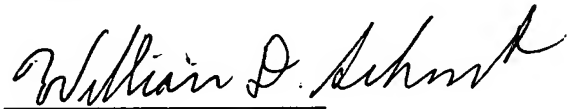
to one group is unreasonable or would present an undue burden on the U.S. Patent Office.

Accordingly, Applicants respectfully request the restriction requirement to be withdrawn.

Pursuant to 37 CFR 1.136(a), an extension of time of 4 months is hereby requested. A check in the amount of \$795.00, is enclosed to cover the fee for the extension of time. If any additional fees are due or any overpayment has been made, please charge our Deposit Account No. 11-0171 or credit our Deposit account for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,



William D. Schmidt, Esq.
Registration No.: 39,492
Attorney for Applicant

Kalow & Springut LLP
Telephone No.: (212) 813-1600